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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,149

03/12/2004

G. Fenghua Zhou

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EXAMINER

CHAMPAGNE, LUNA

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

04/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,149

Applicant(s)

ZHOU, G. FENGHUA

Examiner

LUNA CHAMPAGNE

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 3/12/04
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application 92105298 must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.

A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In*

re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-11 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,337,178. Although the conflicting claims are not identical, they are not patentably distinct from each other because the inventions are basically the same except for a few changes of certain terms such as "enterprise, contracts, materials and customs" versus "import and export materials and stocks" which are obvious variants of each other.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 7, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manucha et al.(2003/0115072 A1), in view of Chen (2003/0154143 A1).

Re claims 1, 7 and 11, Manucha et al. disclose a system wherein the client computers provide interfaces for users to maintain information on import and export materials and stocks (*see e.g. paragraph 0014*); a data maintaining module for adding, modifying, inquiring and deleting information on import and export materials and stock (*see e.g. paragraph 0014*); the database stores configured information, the bills of entry and feedback of the customs server (*see e.g. paragraph 0019*); and the customs server receives the bills of entry from the enterprise server, generates feedback of the bills of entry, and transmits the feedback to the enterprise server (*see e.g. paragraph 0041*).

Manucha et al. do not explicitly disclose a system for monitoring imports and exports, the system comprising a plurality of client computers, an enterprise server, a database and a customs server, wherein: the enterprise server receives and handles input information, generates bills of entry, and transmits the bills of entry to the customs server, the customs server comprising: an auditing module for auditing import and export materials based on a current stock of each material, a safe threshold volume of each material, and a consumption quantity per unit finished product; a bill of entry generating module for generating bills of entry based on the audited information on import and export materials, and for transmitting the bills of entry to the customs server;

However, Chen discloses a system for monitoring imports and exports, the system comprising a plurality of client computers, an enterprise server, a database and

a customs server (*see e.g. paragraph 0013*), wherein: the enterprise server receives and handles input information, generates bills of entry, and transmits the bills of entry to the customs server (*see e.g. paragraph 0006*), the customs server comprising:
an auditing module (*inventory module*) for auditing import and export materials based on a current stock of each material, a safe threshold volume of each material, and a consumption quantity per unit finished product; a bill of entry generating module (*goods recording module*) for generating bills of entry based on the audited information on import and export materials, and for transmitting the bills of entry to the customs server (*see e.g. paragraph 0007*).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Manucha et al. and include the steps cited above, as taught by Chen, in order to increase flexibility in the system by assigning different functions to different modules.

Re claims 2, 3, 4, 8, Manucha et al. disclose a system wherein the enterprise server further comprises a system configuring module for initializing the system (*see e.g. paragraph 0069*); wherein the enterprise server further comprises a bill of entry status maintaining module for storing and inquiring of statuses of the bills of entry; wherein the enterprise server further comprises a customs data synchronizing module, for synchronizing customs information based on the content of feedback from the customs server and updating corresponding bills of entry accordingly (*see e.g. paragraph 0071*).

Re claim 6, it would have been a design choice, at the time of the invention to have a system wherein the statuses of the bills of entry comprise untransmitted bill of entry, transmitted bill of entry, and bill of entry which has been fed back by the customs server.

3. Claims 5, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manucha et al.(2003/0115072 A1), in view of Chen (2003/0154143 A1), in further view of Official Notice.

Re claims 5, 9, 10, Manucha et al., in view of Chen do not explicitly disclose a system, wherein the bill of entry status maintaining module comprises: a bill of entry status storing sub-module for storing statuses of the bills of entry; and a bill of entry status inquiring sub-module for inquiring of the statuses of the bills of entry; wherein the step of generating a bill of entry further comprises the step of: receiving and storing feedback of the customs server; wherein the step of generating a bill of entry further comprises the steps of: determining whether the bill of entry needs to be modified as a result of the feedback; and modifying the bill of entry accordingly and synchronizing customs information, if modification is needed; wherein the step of auditing the information on import and export materials is repeated if the result of auditing the information on import and export materials is not satisfactory.

However, the Examiner takes Official Notice that it is commonly known in the art to receive, store information including feedback for improvement, review and modify

information until satisfaction is obtained. See for example, Eastep et al. (6,731,625 B1), where all of those steps are performed.

Therefore, it would have been obvious, at the time of the invention, to modify Manucha et al., in view of Chen, and include the steps cited above, in order for the system/method to perform the necessary/basic functions.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tang et al. (2003/0036982 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Luna Champagne
Examiner
Art Unit 3627

March 19, 2008